

Regular Session, 2009

HOUSE BILL NO. 904 (Substitute for House Bill No. 684 by Representative Franklin)

BY REPRESENTATIVE FRANKLIN

DISTRICTS/SPECIAL: Creates the Lake Charles North Redevelopment Authority

1 AN ACT

2 To enact Chapter 13-K of Title 33 of the Louisiana Revised Statutes of 1950, to be  
3 comprised of R.S. 33:4720.181, to create the Lake Charles North Redevelopment  
4 Authority; to provide for the formation of a program or programs in the city of Lake  
5 Charles for the use of appropriate private and public resources to eliminate and  
6 prevent the development or spread of slum, blighted, and distressed areas; to allow  
7 the rehabilitation, clearance, and redevelopment of slum, blighted, and distressed  
8 areas; to provide for the expeditious conversion of blighted or underused property  
9 into habitable residential dwellings in the city of Lake Charles; to define the duties,  
10 liabilities, authority, and functions of the redevelopment authority; to authorize  
11 public bodies to furnish funds, services, facilities, and property in aid of  
12 redevelopment projects; and to provide for related matters.

13 Notice of intention to introduce this Act has been published  
14 as provided by Article III, Section 13 of the Constitution of  
15 Louisiana.

16 Be it enacted by the Legislature of Louisiana:

17 Section 1. Chapter 13-K of Title 33 of the Louisiana Revised Statutes of 1950,  
18 comprised of R.S. 33:4720.181, is hereby enacted to read as follows:

1     CHAPTER 13-K. LAKE CHARLES NORTH REDEVELOPMENT AUTHORITY

2     §4720.181. Lake Charles North Redevelopment Authority

3             A. This Chapter may be referred to as the "Lake Charles North  
4     Redevelopment Law".

5             B. It is hereby found and declared that:

6                 (1) There exist in the city of Lake Charles areas which have become slums,  
7     blighted, and distressed because of the unsafe, unsanitary, inadequate, or  
8     overcrowded condition of the structures therein, or because of inadequate planning  
9     for the area, or because of physically or functionally obsolete structures, or because  
10    of excessive dwelling unit density, or because of the lack of proper light and air and  
11    open space, or because of faulty street or lot design, or inadequate public utilities or  
12    community services, or because of failure to adequately maintain and repair  
13    structures, or because of the conversion to incompatible types of land usage, or  
14    because of environmental conditions and circumstances. Such conditions or a  
15    combination of some or all of them have and will continue to result in making such  
16    areas economic and social liabilities.

17                (2) The prevention and elimination of slum, blighted, and distressed  
18    properties are matters of public policy and concern because such areas tend to  
19    consume a disproportionate amount of city revenues because of the extra services  
20    required for police, fire, accident, and other forms of public protection, services, and  
21    facilities.

22                (3) The salvage, renewal, redevelopment, and reconstruction of such slum,  
23    blighted, and distressed areas will promote the public health, safety, morals, and  
24    welfare of the public.

25                (4) The powers conferred by this Chapter are for public uses, purposes,  
26    welfare, and utility for which public money may be expended as necessary and in the  
27    public's interest. The provisions of this Chapter shall apply for residential,  
28    recreational, commercial, industrial, or other purposes and otherwise to encourage  
29    the provision of healthful homes, safe neighborhoods, a decent living environment,

1        and adequate places of employment for the people. Such purposes are hereby  
2        declared as a matter of legislative determination.

3                (5) The object of this Chapter is to provide for the following:

4                (a) The general and economic welfare of the city through housing,  
5        commercial, office, hospitality, recreation, education, infrastructure and utility  
6        capacity, manufacturing, industrial, research, retail, or other activities which will  
7        create or retain jobs, maintain or diversify industry, including new or emerging  
8        technologies, or maintain or increase the tax base.

9                (b) The improvement of conditions of deteriorated physical development,  
10        slow economic growth, and eroded financial health of the public and private sectors.

11                (c) The control, abatement, and prevention of pollution to protect public  
12        health and safety, and the development and use of indigenous and renewable energy  
13        resources.

14                (d) Assistance to nonprofit and governmental entities in support of health,  
15        educational, charitable, community, cultural, agricultural, consumer, or other  
16        services benefiting the citizens.

17                C.(1) There is hereby created in the city of Lake Charles a body politic and  
18        corporate which shall exist in perpetuity and shall be known as the Lake Charles  
19        North Redevelopment Authority, referred to in this Chapter as the "authority".

20                (2) The authority shall be a special district created pursuant to Article VI,  
21        Section 19 of the Constitution of Louisiana and political subdivision of the state as  
22        defined in Article VI, Section 44 of the Constitution of Louisiana. The authority,  
23        acting through its governing board, is hereby granted all of the rights, powers,  
24        privileges, and immunities accorded by the laws and the Constitution of Louisiana  
25        to political subdivisions of the state, subject to the limitations provided in this  
26        Chapter.

27                D. The authority, for the purposes of this Chapter, may within its jurisdiction  
28        formulate a workable program or programs for using appropriate private and public  
29        resources to eliminate and prevent the development or spread of slums and blight,

1 to encourage needed rehabilitation, and to provide for the redevelopment of slum or  
2 blighted areas, or to undertake other feasible parochial activities as may be suitably  
3 employed to achieve the objectives of such workable program.

4 E. The authority, to the greatest extent it determines to be feasible in carrying  
5 out the provisions of this Chapter, shall seek out cooperative endeavors, including  
6 partnerships, joint ventures, and equity participation structures, with nonprofit  
7 organizations and private enterprise. The authority shall give consideration to this  
8 objective in exercising the powers granted pursuant to this Chapter.

9 F. The Lake Charles North Redevelopment Authority shall encompass all of  
10 the territory included within the following perimeter: Ryan Street (interior side only),  
11 Broad Street (interior side only), Bunker Road (interior side only), and the Calcasieu  
12 River.

13 G.(1) The Lake Charles North Redevelopment Authority shall be governed  
14 by a five-member board of commissioners, referred to in this Section as the "board".  
15 The members of the board shall be appointed as follows:

16 (a) Two members shall be appointed by the state representative for House  
17 District No. 34.

18 (b) One member shall be appointed by the state senator for Senate District  
19 No. 27.

20 (c) One member shall be appointed by the mayor of the city of Lake Charles.

21 (d) One member shall be appointed by the member or members of the  
22 governing authority of the parish of Calcasieu who represent the area included within  
23 the jurisdiction of the authority.

24 (2)(a) Members appointed pursuant to this Subsection shall serve four-year  
25 terms after initial terms as provided by Subparagraph (b) of this Paragraph.

26 (b) One member shall serve an initial term of one year; one shall serve two  
27 years; one shall serve three years; and two shall serve four years, as determined by  
28 lot at the first meeting of the board.

1           (3) Each board member shall be a citizen of the United States, a domiciliary  
2           of and a qualified voter in the city of Lake Charles for at least one year preceding the  
3           date of appointment, and shall remain a domiciliary of and a qualified voter of such  
4           jurisdiction during the entirety of the term of office. Furthermore, each board  
5           member shall be of good character and shall possess some skill, knowledge, or  
6           experience that will prove useful in the accomplishment of the goals of the authority  
7           as set forth in Subsection B of this Section.

8           (4) Each board member shall serve for a term of four years unless removed  
9           for cause by the board as provided in this Chapter or removed for any reason by  
10          authorized action of the appointing authority.

11          (5) The board shall establish rules and requirements relative to the  
12          attendance and participation of members in its meetings, regular or special. Such  
13          rules and regulations may prescribe a procedure whereby, should any member fail  
14          to comply with such rules and regulations, the member may be disqualified and  
15          removed automatically from office by no less than a majority vote of the remaining  
16          members of the board, and that member's position shall be vacant as of the first day  
17          of the next calendar month. Any person removed under the provisions of this  
18          Paragraph shall be ineligible for reappointment to the board unless such  
19          reappointment is confirmed unanimously by the board.

20          (6) A vacancy on the board shall be filled in the same manner as the original  
21          appointment. In such cases a majority of the remaining board members may appoint  
22          an interim member to serve until a new member is confirmed.

23          (7) Board members shall serve without compensation, shall have the power  
24          to organize and reorganize the executive, administrative, clerical, and other  
25          departments and forces of the authority and to fix the duties, powers, and  
26          compensation of all employees, agents, and consultants of the authority. The board  
27          may reimburse any member for expenses actually incurred in the performance of  
28          duties on behalf of the authority.

1           (8) The board shall elect yearly from its number a chairman, a vice chairman,  
2           a secretary, and a treasurer and shall establish their duties as may be regulated by  
3           rules adopted by the board. The offices of secretary and treasurer may be held by the  
4           same person. The board may meet in regular session once each month and also shall  
5           meet in special session as convened by the chairman or upon written notice signed  
6           by three members. A majority of the members of the board, not including vacancies,  
7           shall constitute a quorum for the conduct of business.

8           (9) All actions of the board shall be approved by the affirmative vote of a  
9           majority of the members of the board present and voting; however, no action of the  
10          board shall be authorized on the following matters unless approved by a majority of  
11          the total board membership:

12           (a) Adoption of bylaws and other rules and regulations for conduct of the  
13           authority's business.

14           (b) Hiring or firing of any employee or contractor of the authority. This  
15           function may by majority vote be delegated by the board to a specified officer or  
16           committee of the authority, under such terms and conditions and to the extent that  
17           the board may specify.

18           (c) The incurring of debt.

19           (d) Adoption or amendment of the annual budget.

20           (e) Sale, lease, encumbrance, or alienation of real property, improvements,  
21           or personal property with an assessed value of more than twenty thousand dollars.

22           (10) Vote by proxy shall not be permitted. Any member may request a  
23           recorded vote on any resolution or action of the authority.

24           (11) The board shall cause minutes and a record to be kept of all its  
25           proceedings. Except as otherwise provided in this Paragraph, the authority shall be  
26           subject to the Public Records Law (Chapter 1 of Title 44 of the Louisiana Revised  
27           Statutes of 1950), the Open Meetings Law (R.S. 42:4.1 et seq.), and the Code of  
28           Governmental Ethics (Chapter 15 of Title 42 of the Louisiana Revised Statutes of  
29           1950). Notwithstanding the provisions of R.S. 42:5, until thirty days prior to the date

1        the board is scheduled to consummate a final sale or lease of any immovable  
2        property owned by the authority, the board may meet in executive session to discuss  
3        negotiations between the authority and any prospective seller, purchaser, lessor, or  
4        lessee of that property. R.S. 44:31 through 35 shall not apply to any records related  
5        to the negotiations of or to the terms of such a sale or lease until thirty days prior to  
6        the date the board is scheduled to consummate a final sale or lease. The board shall  
7        give written public notice of its intention to consummate a final sale or lease at least  
8        thirty days prior to the date on which the board intends to take such action. This  
9        notice shall comply with the procedural provisions of R.S. 42:7.

10        H. The authority, through the board, shall have all powers necessary or  
11        convenient to carry out and effectuate the purposes and provisions of this Chapter,  
12        including but not limited to the following:

13                (1) To sue and be sued and as such to stand in judgment.

14                (2) To adopt, use, and alter at will a corporate seal.

15                (3) To acquire by gift, grant, purchase, lease, or otherwise and to hold and  
16        use any property, real, personal, mixed, tangible, or intangible, or any interest therein  
17        and to engage in any action, such as the purchase of insurance, necessary or desirable  
18        for the maintenance or improvement of such property. The authority shall not have  
19        any power to expropriate, except that power which is granted by the appropriate  
20        governing authority.

21                (4)(a) To sell, lease for a term of up to ninety-nine years, exchange, or  
22        otherwise dispose of or transfer to or with other political subdivisions of this state  
23        or public or private persons at public or private sale any residential, commercial,  
24        industrial, or subdivision land, property, improvements, or portions thereof,  
25        including real property.

26                (b) Prior to any sale, lease, conveyance, disposition, or transfer of property  
27        pursuant to this Paragraph, the authority shall fix the price and terms of the sale,  
28        lease, exchange, or other contract to be made with reference to the property. Such

1        sale, lease, conveyance, disposition, or transfer shall comply with the terms and  
2        provisions of this Chapter.

3                (c) Any sale of industrial land as defined by Chapter 8 of Title 51 of the  
4        Louisiana Revised Statutes and the statutes referenced therein shall be in accordance  
5        with laws providing for the disposition or transfer of such land.

6                (d) Other than the requirements of this Chapter, no other law limiting or  
7        regulating the form or manner of the sale, lease, conveyance, disposition, or transfer  
8        of property by public bodies, including without limitation R.S. 41:1338, shall apply  
9        to the sale, lease, conveyance, disposition, or transfer of property by the authority.  
10       All such sales, leases, conveyance, dispositions, or transfers of property remain  
11       subject to the limitations imposed by the Constitution of Louisiana.

12               (5) To convey to the United States, the state, or to any political subdivision  
13       of the state any land, property, right-of-way, easement, servitude, or other thing of  
14       value which the authority may own or acquire for use by such governmental entity  
15       pursuant to the terms of any appropriate cooperative endeavor agreement.

16               (6) To make and collect reasonable charges for the use of property of the  
17       authority and for services rendered by the authority and to regulate fees or rentals  
18       charged for use of privately owned facilities located on property owned or sold by  
19       the authority when such facilities are offered for use by the public or by a private  
20       industrial, commercial, research, or other economic development entity or activity.

21               (7) To enter into contracts and agreements with public bodies or public or  
22       private entities, including but not limited to contracts for professional, legal, and  
23       other services and for the purchase, lease, acquisition, sale, construction, operation,  
24       maintenance, marketing, and improvement of land, public works, and facilities.

25               (8) To plan, develop, regulate, operate, and maintain activities and planned  
26       land uses to foster creation of new jobs, economic development, industry, health  
27       care, general public and social welfare, commerce, manufacturing, tourism,  
28       relocation of people and businesses to the area, shipbuilding, aviation, military,



1        warehousing, transportation, offices, recreation, housing development, and  
2        conservation.

3                (9) To make decisions and conduct all activities to meet the triple bottom  
4        line development objectives of equity, economics, and environment.

5                (10) To acquire land and improvements to construct, operate, and maintain  
6        facilities, improvements, and infrastructure, including buildings, roads, bridges,  
7        drainage, and utilities, and to perform other functions and activities on property  
8        owned or leased by the authority to accomplish the objectives and purposes of the  
9        authority; however, the authority is prohibited from constructing, operating, or  
10       maintaining any water, electric, or gas utility facilities which duplicate, curtail,  
11       impair, or directly compete with a regulated water, electric, or gas utility facility  
12       operating in or adjacent to the property owned or leased by the authority.

13                (11) To require and issue licenses.

14                (12) To develop, activate, construct, exchange, acquire, improve, repair,  
15        operate, maintain, lease, mortgage, sell, and grant a security device affecting the  
16        movable and immovable property, servitudes, facilities, and works within the  
17        jurisdiction of the authority under such terms and conditions as the board may deem  
18        necessary or appropriate for any public purpose, including industrial, residential,  
19        subdivision, and commercial development.

20                (13) To borrow money and to pledge or grant a security device affecting all  
21        or part of its revenues, leases, rents, and other advantages as security for such loans.

22                (14) To appoint officers, agents, and employees, prescribe their duties, and  
23        fix their compensation.

24                (15) To undertake and carry out redevelopment projects and related  
25        activities.

26                (16) To apply for and accept advances, leases, grants, contributions, and any  
27        other form of financial assistance from the federal government, the state, parish, or  
28        other public bodies, or from any sources, public or private, for the purposes of this  
29        Chapter, and to give such security as may be required and to enter into and carry out

1        contracts or agreements in connection therewith; and to include in any contract for  
2        financial assistance with the federal government such conditions imposed pursuant  
3        to federal laws as the board may deem reasonable and appropriate and which are not  
4        inconsistent with the purposes of this Chapter.

5                (17) To make or have made all surveys and plans necessary to the carrying  
6        out of the purposes of this Chapter and to adopt or approve, modify, and amend such  
7        plans, which plans may include but are not limited to:

8                (a) Plans for carrying out a program of voluntary or compulsory repair and  
9        rehabilitation of buildings and improvements.

10               (b) Plans for the enforcement of state and local laws, codes, and regulations  
11        relating to the use of land and the use and occupancy of buildings and improvements  
12        and to the compulsory repair, rehabilitation, demolition, or removal of buildings and  
13        improvements.

14               (c) Appraisals, title searches, surveys, studies, and other plans and work  
15        necessary to prepare for the undertaking of redevelopment projects and related  
16        activities.

17               (18) To develop, test, and report methods and techniques and carry out  
18        demonstrations and other activities for the prevention and the elimination of slums  
19        and urban blight, including developing and demonstrating new or improved means  
20        of providing housing or continuing care, assisted living, or independent living or  
21        other similar type housing for elderly or retired persons or other persons desiring  
22        such housing facilities.

23               (19) To make and from time to time amend and repeal bylaws, orders, rules,  
24        and regulations in order to effectuate the provisions of this Chapter.

25               (20) To exercise all or any part or combination of powers herein granted by  
26        this Chapter.

27               (21) The authority shall have no power of taxation.

28               (22) The authority shall not be deemed to be an instrumentality of the state  
29        for purposes of Article X, Section 1(A) of the Constitution of Louisiana.

1           I.(1) The authority may borrow money and issue certificates of indebtedness,  
2           notes, and other debt obligations as evidence thereof for the acquisition and  
3           operation of authority property or to carry out the other public purposes of this  
4           Chapter and provide for the manner and method of repayment in accordance with  
5           law.

6           (2) The authority may issue revenue bonds to finance the undertaking of a  
7           redevelopment project under this Chapter, or otherwise to acquire, purchase, lease,  
8           construct, or improve housing, residential development, subdivision development,  
9           commercial, research, industrial, or other plant sites and buildings, or other capital  
10           improvements authorized in this Chapter, including energy and pollution abatement  
11           and control facilities and necessary property and appurtenances thereto; and may sell,  
12           lease, sublease, or otherwise dispose of by suitable and appropriate contract to any  
13           enterprise locating or existing within the jurisdiction of the authority such sites,  
14           buildings, or facilities and appurtenances thereto, all or severally. The funds derived  
15           from the sale of such bonds may be disbursed in whole or in part upon delivery of  
16           the bonds as shall be provided in the contract between the authority and the  
17           residential, commercial, research, industrial, or other enterprise to be aided,  
18           encouraged, or benefited subject to the requirements of this Chapter.

19           (3) The issuing authority may enter into, amend, or terminate, as it  
20           determines to be necessary or appropriate, any ancillary contracts to do either of the  
21           following:

22           (a) Facilitate the issuance, sale, resale, purchase, repurchase, or payments of  
23           bonds, including without limitation bond insurance, letters of credit, and liquidity  
24           facilities.

25           (b) Attempt to hedge risk or achieve a desirable effective interest rate or cash  
26           flow, all subject to the approval of the State Bond Commission.

27           (4) Bonds issued under this Subsection shall be authorized by resolution of  
28           the board and shall be limited obligations of the issuing authority; the principal and  
29           interest, costs of issuance, and other costs incidental thereto shall be payable solely

1 from the income and revenue derived from the sale, lease, or other disposition of the  
2 project or facility to be financed by the bonds issued under this Subsection, or from  
3 the income and revenue derived from the sale, lease, or other disposition of any  
4 existing project or facility acquired, constructed, and improved under the provision  
5 of this Subsection, or from any source available for such purpose; however, in the  
6 discretion of the issuing authority, the bonds may be additionally secured by  
7 mortgage or other security device covering all or part of the project from which the  
8 revenues so pledged may be derived. Any refunding bonds issued pursuant to this  
9 Subsection shall be payable from any source described above or from the investment  
10 of any of the proceeds of the refunding bonds authorized under this Subsection and  
11 shall not constitute an indebtedness or pledge of the general credit of the city, as  
12 appropriate, or the authority within the meaning of any constitutional or statutory  
13 limitation of indebtedness and shall contain a recital to that effect. Bonds of the  
14 authority issued under this Subsection shall be issued in such form, shall be in such  
15 denominations, shall bear interest, shall mature in such manner, and be executed by  
16 one or more members of the board as provided in the resolution authorizing the  
17 issuance thereof. Such bonds may be subject to redemption at the option of and in  
18 the manner determined by the board in the resolution authorizing the issuance  
19 thereof.

20 (5) No bonds or other evidences of indebtedness may be issued under this  
21 Subsection without the prior approval of the State Bond Commission of the terms  
22 and provisions thereof.

23 (6) Bonds issued under this Subsection shall be issued, sold, and delivered  
24 in accordance with the terms and provisions of a resolution adopted by the board.  
25 The board may sell such bonds in such manner, either at public or at private sale, and  
26 for such price as it may determine to be in the best interests of the authority, subject  
27 to the approval of the State Bond Commission. The resolution issuing bonds shall  
28 be published in a newspaper of general circulation within the jurisdiction of the  
29 authority, and for a period of thirty days after said publication, any interested citizen

1 may bring an action to contest the bonds and the security therefor, as provided in the  
2 Constitution of Louisiana. If, after the expiration of thirty days, no suit has been  
3 filed, the issuance, sale, and security of the bonds shall be incontestable, and no court  
4 shall have authority to entertain any action questioning or contesting such matters.

5 (7) Bonds issued by the authority under this Chapter are deemed to be  
6 securities of public entities within the meaning of Chapters 13 and 13-A of Title 39  
7 of the Louisiana Revised Statutes of 1950, and shall be subject to defeasance in  
8 accordance with the provisions of Chapter 14 of Title 39 of the Louisiana Revised  
9 Statutes of 1950, shall be subject to the refunding provisions of Chapter 14-A of  
10 Title 39 of the Louisiana Revised Statutes of 1950, and may also be issued as short-  
11 term revenue notes of a public entity under Chapter 15-A of Title 39 of the Louisiana  
12 Revised Statutes of 1950.

13 (8) No bonds, other debt obligations, or contracts of the authority shall be a  
14 charge upon the income, property, or revenue of the city, nor shall any obligations  
15 of the authority be the obligations of the city.

16 (9) Any bonds issued by the authority shall be subject to the Bond Validation  
17 Law (R.S. 13:5121), pursuant to which the issuance of the bonds may be submitted  
18 to the courts for validation.

19 J.(1) The exercise by the board of the powers conferred by virtue of this  
20 Chapter shall be deemed and held to be an essential governmental function of the  
21 state and parish. As the exercise of the powers granted by this Chapter will be in all  
22 respects for the benefit of the people of the state and city, for the increase of their  
23 commerce and prosperity, and for the improvement of their health and living  
24 conditions, the authority shall not be required to pay any taxes, including but not  
25 limited to sales and use taxes, ad valorem, occupational licensing, income, or any  
26 other taxes of any kind or nature, or fees or assessments upon any property held,  
27 acquired, or used by the authority under the provisions of this Chapter, or upon the  
28 income therefrom. Any bonds, certificates, or other evidences of indebtedness issued  
29 by the authority and the income therefrom shall be exempt from taxation by the state

1        and by any parish, municipality, or other political subdivision of the state. The  
2        authority shall not be deemed to be a public utility and shall not be subject in any  
3        respect to the authority, control, regulation, or supervision of the Louisiana Public  
4        Service Commission.

5                (2) All property of the authority, including funds owned or held by it for the  
6        purpose of this Chapter, shall be exempt from levy and sale by virtue of an  
7        execution, and no execution or other judicial process shall issue against the same, nor  
8        shall judgment against the city or authority be a charge or lien upon such property;  
9        however, the provisions of this Subsection shall not apply to or limit the right of  
10       obligees to pursue any remedies for the enforcement of any pledge or lien given  
11       pursuant to this Chapter by the authority on its rents, fees, grants, or revenues.

12               K.(1) The authority may purchase adjudicated properties within its territorial  
13       jurisdiction from any political subdivision of the state of Louisiana. No such  
14       purchase shall be construed to or otherwise have the effect of extending or  
15       suspending the period prescribed by law for the redemption of the property by the  
16       tax debtor or any other person.

17               (2) In addition to the authority set forth in Subpart B of Part IV of Chapter  
18       5 of Subtitle III of Title 47 of the Louisiana Revised Statutes of 1950, such purchases  
19       by the authority may be by a direct negotiated purchase and sale agreement between  
20       the authority and a political subdivision without any other requirement of a public  
21       sale prior to the transfer of such properties to the authority. Such purchases by the  
22       authority shall not be considered the sale of surplus property or of property owned  
23       by the political subdivision.

24               (3) Effective upon the recordation of the transfer of an adjudicated property  
25       to the authority pursuant to a purchase and sale agreement, the rights of the authority  
26       in and to such property shall be the rights of a purchaser at a tax sale as contemplated  
27       by Chapter 5 of Subtitle III of Title 47 of the Louisiana Revised Statutes of 1950,  
28       subject only to the rights of redemption of the property set forth in Article VII,  
29       Section 25(B) of the Constitution of Louisiana, and the property shall no longer be

1 deemed to be adjudicated property as of such recordation. For purposes of the right  
2 of redemption in Article VII, Section 25(B) of the Constitution of Louisiana, the  
3 three-year period commences on the date of the recordation of the initial adjudication  
4 to the political subdivision and not on the date of transfer to the authority.

5 (4) Any such purchase and sale agreement shall set forth the total  
6 consideration to be paid by the authority and the method and timing of payment of  
7 such consideration by the authority.

8 (5) The state and any political subdivision with liens on the property may,  
9 pursuant to intergovernmental agreements with the authority, cancel such liens  
10 contemporaneously with or subject to the transfer of the property to the authority.

11 (6)(a) The authority shall have the right, subject to the provisions of this  
12 Section, to purchase properties at tax sales conducted in accordance with R.S.  
13 47:2155 and 2156, and any and all such purchases shall be a purchase pursuant to  
14 R.S. 47:2155 and 2156 and not an adjudication to a political subdivision.

15 (b) Notwithstanding the provisions of Chapter 5 of Subtitle III of Title 47 of  
16 the Louisiana Revised Statutes of 1950, the authority may tender a bid at a tax sale  
17 which is a credit bid, consisting of the obligation of the authority to satisfy the  
18 component parts of the bid by payments to the respective political subdivisions and  
19 taxing entities in accordance with intergovernmental agreements between the  
20 authority and such political subdivisions and taxing entities.

21 (c) A bid by the authority at a tax sale for the minimum amount shall take  
22 priority over all other bids for the same quantity of property, except for a higher bid  
23 submitted by a conventional mortgage holder holding a mortgage on the subject  
24 property.

25 L.(1) The authority shall have the power to create and execute  
26 redevelopment or development plans for specified areas within its territorial  
27 jurisdiction. The implementation of all such plans shall not proceed until, to the  
28 extent required by law, the authority has obtained the approval of the local planning  
29 commission or zoning board. In the execution of such a redevelopment plan, the

1 authority shall have the powers provided in this Subsection. The fact that a certain  
2 power is expressed or implied in this Paragraph as pertinent to the authority's  
3 execution of a redevelopment plan shall not suggest or imply that such power is  
4 otherwise denied to the authority.

5 (2) A redevelopment plan shall include a definition of the redevelopment  
6 area. This area, or any part thereof, may be further designated as a subdistrict of the  
7 authority.

8 (3) The authority may sell, lease, exchange, or otherwise transfer immovable  
9 property or any interest therein acquired by it for residential, recreational,  
10 commercial, industrial, or other uses or for public use, subject to such covenants,  
11 conditions, and restrictions, including covenants running with the land, as it may  
12 deem to be necessary or desirable to assist in carrying out the purposes of this  
13 Chapter. The purchasers or lessees and their successors and assigns shall be  
14 obligated to devote such immovable property only to the uses as the authority may  
15 determine to be in the public interest, including the obligation to begin within a  
16 reasonable time any improvements on such immovable property. Such immovable  
17 property or interest shall be sold, leased, exchanged, or otherwise transferred at not  
18 less than its fair value for uses in accordance with the redevelopment or development  
19 plan. In determining the fair value of immovable property for uses in accordance  
20 with the redevelopment or development plans, the authority shall take into account  
21 and give consideration to the use provided in such plan; the restrictions upon and the  
22 covenants, conditions, and obligations assumed by the purchaser or lessee; and the  
23 objectives of such plan. The authority, in any instrument of conveyance to a private  
24 purchaser or lessee, may provide that such purchaser or lessee shall be without power  
25 to sell, lease, exchange, or otherwise transfer the immovable property without the  
26 prior written consent of the authority until such purchaser or lessee has completed  
27 the construction of any and all improvements which he has obligated himself to  
28 construct thereon. Immovable property acquired in accordance with the provisions  
29 of the plan shall be transferred as rapidly as feasible in the public interest, consistent



1        with the carrying out of the provisions of the project plan. Such plan and any  
2        substantial modification of such plan shall be filed as a public record in the office of  
3        the clerk of the city, and any conveyances, encumbrances, or other contracts may  
4        incorporate the provisions thereof by reference which shall afford notice thereof to  
5        all parties.

6                (4) The authority may dispose of, sell, exchange, or lease immovable  
7        property in a redevelopment area to any private person for the fair market value of  
8        the property as determined by a certified and competent appraiser, or to any private  
9        person pursuant to reasonable competitive bidding procedures as it shall prescribe  
10       subject to the provisions set forth in this Paragraph. Such reasonable bidding  
11       procedures must include public notice, by publication once each week for two  
12       consecutive weeks in a newspaper having a general circulation in the community,  
13       inviting proposals from and making available all pertinent information to private  
14       redevelopers or any persons interested in undertaking to redevelop or rehabilitate a  
15       redevelopment area or any part thereof. Such notice shall identify the area, or  
16       portion thereof, and shall state that proposals shall be made by those in interest  
17       within thirty days after publication of such notice, and that such further information  
18       as is available may be obtained at such office as shall be designated in the notice.  
19       The board shall consider all such redevelopment or rehabilitation proposals and the  
20       financial and legal ability of the persons making such proposals to carry them out,  
21       and may negotiate with any persons for proposals for the purchase, lease, or other  
22       transfer of any immovable property acquired by the authority in the redevelopment  
23       area. The board may accept such proposal as it deems to be in the public interest and  
24       in furtherance of the purposes of this Chapter. Such notice, and all contracts to sell,  
25       lease, exchange, or otherwise transfer immovable property under the provisions of  
26       this Chapter, shall be a public record and shall include the name of the redeveloper  
27       or purchaser, together with the names of its officers and principal members or  
28       shareholders and investors and other interested parties, the redeveloper's estimate of  
29       the cost of any residential development and rehabilitations, and the redeveloper's

1 estimate of rentals and sales prices of any proposed housing involved in such  
2 redevelopment and rehabilitation. Thereafter, the board may execute such contract  
3 in accordance with the provisions of this Chapter and deliver acts of sale, leases, and  
4 other instruments and take all steps necessary to effectuate such contract.

5 (5) The authority may temporarily operate, maintain, or lease real property  
6 acquired by it in a redevelopment area for or in connection with a redevelopment  
7 project pending disposition of the property as authorized in this Chapter for such  
8 uses and purposes as may be deemed desirable even though not in connection with  
9 the redevelopment plan.

10 (6) Any real property within a redevelopment area acquired pursuant to  
11 Subsection K of this Section may be disposed of without regard to the other  
12 provisions of this Chapter. Real property acquired in accordance with the  
13 redevelopment plan may be disposed of to a public body for public reuse without  
14 regard to the provisions of this Subsection.

15 (7) Notwithstanding any other provisions of this Chapter where an area in  
16 the city is designated as a redevelopment area under the Federal Area  
17 Redevelopment Act (Public Law 87-27), or any act supplementary thereto, land in  
18 a redevelopment project area designated under the redevelopment plan for industrial  
19 or commercial uses may be disposed of to any public body or nonprofit corporation  
20 for subsequent disposition as promptly as practical by the public body or corporation  
21 for redevelopment in accordance with the redevelopment plan, and only the  
22 purchaser from or lessee of the public body or corporation, and their assignees, shall  
23 be required to assume the obligation of beginning the building of improvements  
24 within a reasonable time. Any disposition of land to a public body or corporation  
25 under this Paragraph shall be at its fair value for uses in accordance with the  
26 redevelopment plan.

27 M.(1) The authority may, in the implementation of a redevelopment plan,  
28 create one or more subdistricts to conduct, oversee, or assist in the implementation  
29 of such redevelopment plan. The boundaries of such a subdistrict may include all

1        or part of the redevelopment area. Such a subdistrict shall have and exercise such  
2        powers and responsibilities as the authority shall specify in the enabling resolution.  
3        The full extent of such powers and responsibilities may include such powers as the  
4        authority itself may exercise, and such other powers as are given to the subdistrict  
5        by this Paragraph or any other law, but any exercise of such powers by the subdistrict  
6        shall be confined solely to the geographical limits of the subdistrict. Such a  
7        subdistrict may be established to exist at the pleasure of the authority, or for any  
8        period of time, or until the happening of any occurrence or occurrences that the  
9        authority may specify.

10        (2) The creation of a subdistrict shall in no instance result in the detachment,  
11        severance, or loss of any power or responsibility granted to the authority by this  
12        Chapter, and within the confines of any subdistrict, the authority shall have full  
13        jurisdiction, concurrent with that of the subdistrict, to exercise said powers and  
14        responsibilities. The fact that a certain power is expressed or implied in this  
15        Paragraph as pertinent to a subdistrict's conduct, overseeing, or assistance in the  
16        implementation of the redevelopment plan shall not suggest or imply that such power  
17        is otherwise denied to the authority.

18        (3) Unless otherwise specified in the resolution or other formal act creating  
19        the subdistrict, the board members of the authority shall constitute the governing  
20        authority of the subdistrict.

21        (4) Unless otherwise specified in the resolution or other formal act creating  
22        the subdistrict, the subdistrict shall be a distinct and separate juridical entity, and the  
23        rights, interests, and liabilities of the subdistrict shall not under any circumstances  
24        be considered those of the authority.

25        N. All banks, trust companies, bankers, savings banks and institutions,  
26        building and loan associations, savings and loan associations, investment companies,  
27        and other persons carrying on a banking or investment business; all insurance  
28        companies, insurance associations, and other persons carrying on an insurance  
29        business; and all executors, administrators, curators, trustees, and other fiduciaries

1        may legally invest any sinking funds, monies, or other funds belonging to them or  
2        within their control in any bonds or other obligations issued by the authority pursuant  
3        to this Chapter. Bonds and other obligations shall be authorized security for all  
4        public deposits. It is the purpose of this Subsection to authorize any public or private  
5        persons, political subdivisions, and officers, public or private, to use any funds  
6        owned or controlled by them for the purchase of any bonds or other obligations.  
7        Nothing contained in this Subsection with regard to legal investments shall be  
8        construed as relieving any persons of any duty of exercising reasonable care in  
9        selecting securities.

10        O. For the purpose of aiding in the planning, undertaking, or carrying out of  
11        a redevelopment or development project and related activities authorized by this  
12        Chapter, any public body may, upon such terms, with or without consideration as it  
13        may determine:

14                (1) Dedicate, sell, convey, or lease any of its interest in any property or grant  
15                easements, licenses, or other rights or privileges therein to the authority.

16                (2) Incur the entire expense of any public improvements made by such  
17                public body.

18                (3) Do any and all things necessary to aid or cooperate in the planning or  
19                carrying out of a redevelopment plan and related activities.

20                (4) Lend, grant, or contribute funds to the authority in accordance with an  
21                appropriate cooperative endeavor agreement and borrow money and apply for and  
22                accept advances, loans, grants, contributions, and any other form of financial  
23                assistance from the federal government, the state, parish, or other public body, or  
24                from any other source.

25                (5) Enter into agreements which may extend over any period,  
26                notwithstanding any provision or rule of law to the contrary, with the federal  
27                government or other public body respecting action to be taken pursuant to any of the  
28                powers granted by this Chapter, including the furnishing of funds or other assistance  
29                in connection with a redevelopment project and related activities.

1           (6) Cause public buildings and public facilities, including parks,  
2           playgrounds, recreational, community, educational, water, sewer, or drainage  
3           facilities, or any other works which it is otherwise empowered to undertake to be  
4           furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or  
5           replan streets, roads, sidewalks, ways, or other places; plan or replan, zone or rezone,  
6           or make exceptions from building regulations.

7           P. Any instrument executed, in proper form and with proper certification of  
8           authority, by the authority purporting to convey any right, title, or interest in any  
9           property under this Chapter shall be conclusively presumed to have been executed  
10          in compliance with provisions of this Chapter insofar as title or other interest of any  
11          bona fide purchasers, lessees, or transferees of the property is concerned.

12          Q. As used in this Chapter, the following terms shall have the meaning  
13          herein ascribed to them.

14          (1) "Bonds" means any bonds, notes, interim certificates, certificates of  
15          indebtedness, debenture, or other obligation.

16          (2) "Federal government" means any department, agency, or instrumentality,  
17          corporate or otherwise, of the United States of America.

18          (3) "Owners of a property interest" means anyone with a corporeal or  
19          incorporeal interest in immovable property filed for record in the conveyance records  
20          or mortgage records of the clerk of court and ex officio recorder of mortgages for the  
21          parish of Calcasieu where the property is located, including a naked owner, a  
22          usufructuary, a mortgagee, a judgment creditor, or a holder of a personal or predial  
23          servitude.

24          (4) "Public body" means the state and any parish and any board, authority,  
25          agency, district, subdivision, department, or instrumentality, corporate or otherwise,  
26          of the state or any parish.

27          (5) "Real property" or "immovable property" means any and all right, title,  
28          and interest in a tract of land, including its component parts and liens by way of  
29          judgment, mortgage, or otherwise.

1           R. Insofar as the provisions of this Chapter are inconsistent with the  
2           provisions of any other law, the provisions of this Chapter shall be controlling;  
3           however, the authority shall be subject to the provisions of the Local Government  
4           Fair Competition Act, R.S. 45:844.41 et seq. The authority conferred by this Chapter  
5           shall be in addition and supplemental to the powers conferred by any other law.

6           S.(1) In addition to other powers granted to the authority pursuant to this  
7           Chapter, the authority may initiate an expedited quiet title and foreclosure action  
8           under this Subsection to quiet title to immovable property held by the authority,  
9           interests in property purchased by the authority at tax sales, or in formerly  
10           adjudicated properties acquired by the authority from a political subdivision, by  
11           recording with the conveyance records of the clerk of court and ex officio recorder  
12           of mortgages a notice of pending expedited quiet title and foreclosure action. The  
13           notice shall include a legal description of the property; the street address of the  
14           property if available; the name, address, and telephone number of the authority; a  
15           statement that the property is subject to expedited quiet title proceedings and  
16           foreclosure under this Subsection; and a statement that any legal interests in the  
17           property may be extinguished by a district court order vesting title to the property in  
18           the authority. The right of redemption from tax sales in Article VII, Section 25(B)  
19           of the Constitution of Louisiana shall be terminated by these proceedings only if the  
20           time period for expiration of the right of redemption has expired. If a notice is  
21           recorded in error, the authority may correct the error by recording a certificate of  
22           correction with the register of conveyances. A notice or certificate under this  
23           Subsection need not be notarized and may be authenticated by a digital signature or  
24           other electronic means. If the authority has reason to believe that a property subject  
25           to an expedited quiet title and foreclosure action under this Subsection may be the  
26           site of environmental contamination, the authority shall provide the Department of  
27           Environmental Quality with any information in the possession of the authority that  
28           suggests the property may be the site of environmental contamination.

1           (2) After recording the notice under Paragraph (1) of this Subsection, the  
2           authority shall initiate a search of records identified in this Paragraph to identify the  
3           owners of a property interest in the property who are entitled to notice of the quiet  
4           title and foreclosure hearing under this Subsection. The authority may enter into a  
5           contract with or may request from one or more authorized representatives a title  
6           search or other title product to identify the owners of a property interest in the  
7           property as required under this Paragraph or to perform the other functions set forth  
8           in this Subsection required for the quieting of title to property. The owner of a  
9           property interest is entitled to notice under this Subsection if that owner's interest  
10          was identifiable by reference to any of the following sources before the date that the  
11          authority records the notice under Paragraph (1) of this Subsection:

12           (a) Land title records in the office of the recorder of mortgages and the  
13          register of conveyances.

14           (b) Tax records in the office of the assessor.

15           (3) The authority may file a single petition with the district court to expedite  
16          foreclosure under this Subsection listing all property subject to expedited foreclosure  
17          by the authority and for which the authority seeks to quiet title. If available to the  
18          authority, the list of properties shall include a legal description of, a tax parcel  
19          identification number for, and the street address of each parcel of property. The  
20          petition shall seek a judgment in favor of the authority against each property listed  
21          and shall include a date, within ninety days of filing, on which the authority requests  
22          a hearing on the petition. The petition shall request that a judgment be entered  
23          vesting absolute title in the authority, without right of redemption for each parcel of  
24          property listed, as provided in this Paragraph. Prior to the entry of judgment under  
25          this Paragraph, the authority may request the court to remove property erroneously  
26          included in the petition or any tax delinquent properties redeemed prior to the  
27          hearing.

28           (4) The district court in which a petition is filed under Paragraph (3) of this  
29          Subsection shall immediately set the date, time, and place for a hearing on the

1        petition for foreclosure. The date shall be set by the court and shall not be more than  
2        ten days after the date requested by the authority in the petition. In no event may the  
3        court schedule the hearing later than ninety days after the filing of a petition by the  
4        authority under Paragraph (3) of this Subsection.

5                (5) After completing the records search under Paragraph (2) of this  
6        Subsection, the authority shall determine the address or addresses reasonably  
7        calculated to inform those owners of a property interest in property subject to  
8        expedited foreclosure under this Subsection of the pendency of the quiet title and  
9        foreclosure hearing under Paragraph (11) of this Subsection. If, after conducting the  
10       title search, the authority is unable to determine an address reasonably calculated to  
11       inform a person with a property interest in property subject to expedited foreclosure,  
12       or if the authority discovers a deficiency in notice under this Subsection, the  
13       following shall be considered reasonable steps by the authority to ascertain the  
14       addresses of persons with a property interest in the property subject to expedited  
15       foreclosure or to ascertain an address necessary to correct a deficiency in notice  
16       under this Subsection:

17                (a) For an individual, a search of records of the recorder of mortgages and  
18        the register of conveyances.

19                (b) For a business entity, a search of business entity records filed with the  
20        commercial division of the Department of State.

21                (c) For a state or federal chartered depository financial institution, a search  
22        of entity records filed with the Louisiana Office of Financial Institutions or with the  
23        Federal Deposit Insurance Corporation (FDIC).

24                (6) Not less than thirty days before the quiet title and foreclosure hearing  
25        under Paragraph (11) of this Subsection, the authority shall send notice by certified  
26        mail, return receipt requested, of the hearing to the persons identified under  
27        Paragraph (2) of this Subsection who have a property interest in property subject to  
28        expedited foreclosure. The authority shall also send a notice via regular mail



1 addressed to the "Occupant" for each property subject to expedited foreclosure if an  
2 address for the property is ascertainable.

3 (7) Not less than thirty days before the quiet title and foreclosure hearing  
4 under Paragraph (11) of this Subsection, the authority or its authorized representative  
5 or authorized agent shall visit each parcel of property subject to expedited  
6 foreclosure and post on the property conspicuous notice of the hearing. In addition  
7 to the requirements of Paragraph (8) of this Subsection, the notice shall also include  
8 the following statement: "This Property has been transferred to the Lake Charles  
9 North Redevelopment Authority and is subject to an expedited quiet title and  
10 foreclosure action. Persons with information regarding the prior owner of the  
11 property are requested to contact the Lake Charles North Redevelopment Authority".

12 (8) The notices required under Paragraphs (6) and (7) of this Subsection shall  
13 include:

14 (a) The date on which the authority recorded, under Paragraph (1) of this  
15 Subsection, notice of the pending expedited quiet title and foreclosure action.

16 (b) A statement that a person with a property interest in the property may  
17 lose his interest as a result of the quiet title and foreclosure hearing.

18 (c) A legal description, parcel number of the property, and the street address  
19 of the property, if available.

20 (d) The person to whom the notice is addressed.

21 (e) The date and time of the hearing on the petition for foreclosure under  
22 Paragraph (1) of this Subsection, and a statement that the judgment of the court may  
23 result in title to the property vesting in the authority.

24 (f) An explanation of any rights of redemption and notice that the judgment  
25 of the court may extinguish any ownership interest in or right to redeem the property.

26 (g) The name, address, and telephone number of the authority.

27 (h) A statement that persons with information regarding the owner or prior  
28 owner of any of the properties are requested to contact the authority.

1           (9) If the authority is unable to ascertain the address reasonably calculated  
2           to inform the owners of a property interest entitled to notice under this Section, or  
3           is unable to provide notice under Paragraphs (6) and (7) of this Subsection, the  
4           authority shall provide notice by publication. Prior to the hearing, a notice shall be  
5           published for three successive weeks, once each week, in a newspaper published and  
6           circulated in the jurisdiction of the authority. The published notice shall include all  
7           of the following:

8                   (a) A legal description, parcel number of the property, and the street address  
9                   of the property, if available.

10                   (b) The name of any person not notified under Paragraphs (6) and (7) of this  
11                   Subsection that the authority reasonably believes may be entitled to notice under this  
12                   Section of the quiet title and foreclosure hearing under Paragraph (11) of this  
13                   Subsection.

14                   (c) A statement that a person with a property interest in the property may  
15                   lose his interest as a result of the foreclosure proceeding.

16                   (d) The date and time of the hearing on the petition for foreclosure under  
17                   Paragraph (1) of this Subsection.

18                   (e) A statement that the judgment of the court may result in title to the  
19                   property vesting in the authority.

20                   (f) An explanation of any rights of redemption and notice that judgment of  
21                   the court may extinguish any ownership interest in or right to redeem the property.

22                   (g) The name, address, and telephone number of the authority.

23                   (h) A statement that persons with information regarding the owner or prior  
24                   owner of any of the properties are requested to contact the authority.

25           (10) If prior to the quiet title and foreclosure hearing under Paragraph (11)  
26           of this Subsection, the authority discovers any deficiency in the provision of notice  
27           under this Subsection, the authority shall take reasonable steps in good faith to  
28           correct the deficiency before the hearing. The provisions of this Subsection relating  
29           to notice of the quiet title and foreclosure hearing are exclusive and exhaustive.

1        Other requirements relating to notice and proof of service under other law, rule, or  
2        other legal requirement are not applicable to notice or proof of service under this  
3        Subsection.

4                (11) If a petition for expedited quiet title and foreclosure is filed under  
5        Paragraph (3) of this Subsection, before the hearing, the authority shall file with the  
6        clerk of the district court proof of notice by certified mail under Paragraph (6) of this  
7        Subsection, proof of notice by posting on the property under Paragraph (7) of this  
8        Subsection, and proof of notice by publication, if applicable. A person claiming an  
9        interest in a parcel of property set forth in the petition for foreclosure, including a  
10       current holder of a conventional mortgage, who desires to contest that petition shall  
11       file written objections with the clerk of the district court and serve those objections  
12       on the authority before the date of the hearing. A holder of a conventional mortgage  
13       may object to the action and is entitled to a dismissal of the proceedings by the  
14       district court upon a showing that it is the holder of a legally enforceable  
15       conventional mortgage and upon payment of the outstanding amount of any liens,  
16       taxes, and related costs. The district court may appoint and utilize as the court  
17       considers necessary a curator for assistance with the resolution of any objections to  
18       the foreclosure or questions regarding the title to property subject to foreclosure. If  
19       the court withholds property from foreclosure, the authority's ability to include the  
20       property in a subsequent petition for expedited quiet title and foreclosure is not  
21       prejudiced. No injunction shall issue to stay an expedited quiet title and foreclosure  
22       action under this Subsection. The district court shall enter judgment on a petition to  
23       quiet title and foreclosure filed under Paragraph (3) of this Subsection not more than  
24       ten days after the conclusion of the hearing or contested case, and the judgment shall  
25       become effective ten days after the conclusion of the hearing or contested case. The  
26       district court's judgment shall specify all of the following:

27                (a) The legal description and, if known, the street address of the property  
28        foreclosed.

1           **(b) That title to property foreclosed by the judgment is vested absolutely in**  
2           **the authority, except as otherwise provided in Paragraphs (3) and (5) of this**  
3           **Subsection, without any further rights of redemption.**

4           **(c) That all liens against the property, including any lien for unpaid taxes or**  
5           **special assessments, are extinguished.**

6           **(d) That, except as otherwise provided in Subparagraph (e) of this Paragraph,**  
7           **the authority has good and marketable title to the property.**

8           **(e) That all existing recorded and unrecorded interests in that property are**  
9           **extinguished, except a visible or recorded easement or right-of-way or private deed**  
10           **restrictions.**

11           **(f) A finding that all persons entitled to notice and an opportunity to be heard**  
12           **have been provided that notice and opportunity. A person shall be deemed to have**  
13           **been provided notice and an opportunity to be heard if the authority followed the**  
14           **procedures for provision of notice by mail, by visits to property subject to expedited**  
15           **quiet title and foreclosure, and by publication under this Subsection, or if one or**  
16           **more of the following apply:**

17           **(i) The person had constructive notice of the hearing by acquiring an interest**  
18           **in the property after the date of the recording, under Paragraph (1) of this Subsection,**  
19           **of the notice of pending expedited quiet title and foreclosure action.**

20           **(ii) The person appeared at the hearing or submitted written objections to the**  
21           **district court under this Subsection prior to the hearing.**

22           **(iii) Prior to the hearing under this Paragraph, the person had actual notice**  
23           **of the hearing.**

24           **(12) Except as otherwise provided in Subparagraph (11)(e) of this**  
25           **Subsection, title to property set forth in a petition for foreclosure filed under**  
26           **Paragraph (3) of this Subsection shall vest absolutely in the authority upon the**  
27           **effective date of the judgment by the district court, and the authority shall have**  
28           **absolute title to the property. The authority's title shall not be subject to any**  
29           **recorded or unrecorded lien, except as provided in Paragraph (11) of this Subsection,**

1        and shall not be stayed or held invalid, except as provided in Paragraph (13) of this  
2        Subsection. A judgment entered under this Subsection is a final order with respect  
3        to the property affected by the judgment and shall not be modified, stayed, or held  
4        invalid after the effective date of the judgment, except as provided in Paragraph (13)  
5        of this Subsection.

6                (13) The authority or a person claiming to have a property interest under  
7        Paragraph (2) of this Subsection in property foreclosed under this Subsection may,  
8        within twenty-one days of the effective date of the judgment under Paragraph (11)  
9        of this Subsection, appeal the district court's order or the district court's judgment  
10       foreclosing property to the court of appeals. The appeal of the judgment shall be  
11       entitled to preference and priority and shall be handled on an expedited basis by the  
12       court of appeal and, if applicable, the Louisiana Supreme Court. In such cases, the  
13       record shall be prepared and filed within fifteen days of the granting of the order of  
14       appeal. The court of appeal shall hear the case within thirty days after the filing of  
15       the appellee's brief. An appeal under this Paragraph is limited to the record of the  
16       proceedings in the district court under this Subsection. The district court's judgment  
17       foreclosing property shall be stayed until the court of appeals has reversed, modified,  
18       or affirmed that judgment. If an appeal under this Paragraph stays the district court's  
19       judgment foreclosing property, the district court's judgment is stayed only as to the  
20       property that is the subject of that appeal, and the district court's judgment  
21       foreclosing other property that is not the subject of that appeal is not stayed. To  
22       appeal the district court's judgment foreclosing property, a person appealing the  
23       judgment shall pay to the authority any taxes, interest, penalties, and fees due on the  
24       property and provide notice of the appeal to the authority within twenty-one days  
25       after the district court's judgment becomes effective. If the district court's judgment  
26       foreclosing the property is affirmed on appeal, the amount determined to be due shall  
27       be refunded to the person who appealed the judgment. If the district court's  
28       judgment foreclosing the property is reversed or modified on appeal, the authority  
29       shall refund the amount determined to be due to the person who appealed the

1        judgment, if any, and forward the balance to the appropriate taxing jurisdictions in  
2        accordance with the order of the court of appeals.

3                (14) The authority shall record a notice of judgment for each parcel of  
4        foreclosed property in the office of the register of conveyances. If the authority  
5        records a notice of judgment in error, the authority may subsequently record a  
6        certificate of correction. A notice or certificate under this Paragraph need not be  
7        notarized and may be authenticated by a digital signature or other electronic means.  
8        After the entry of a judgment foreclosing the property under this Subsection, if the  
9        property has not been transferred by the authority, the authority may cancel the  
10       foreclosure by recording with the register of conveyances a certificate of error, if the  
11       authority discovers any of the following:

12                (a) The description of the property used in the expedited quiet title and  
13        foreclosure proceeding was so indefinite or erroneous that the foreclosure of the  
14        property was void.

15                (b) An owner of an interest in the property entitled to notice of the expedited  
16        quiet title and proceedings against the property under this Subsection was not  
17        provided notice sufficient to satisfy the minimum due process requirements of the  
18        Constitution of Louisiana and the Constitution of the United States.

19                (c) A judgment of foreclosure was entered under this Subsection in violation  
20        of an order issued by a United States bankruptcy court.

21                (15) If a judgment of foreclosure is entered under Paragraph (11) of this  
22        Subsection, and all existing recorded and unrecorded interests in a parcel of property  
23        are extinguished as provided in Paragraph (11) of this Subsection, the owner of any  
24        extinguished recorded or unrecorded interest in that property who claims that he did  
25        not receive notice of the expedited quiet title and foreclosure action shall not bring  
26        an action for possession of the property against any subsequent owner but may only  
27        bring an action to recover monetary damages from the authority as provided in this  
28        Paragraph. The district court has original and exclusive jurisdiction in any action to  
29        recover monetary damages under this Paragraph. An action to recover monetary

1 damages under this Paragraph shall not be brought more than two years after a  
2 judgment for foreclosure is entered under Paragraph (11) of this Subsection. Any  
3 monetary damages recoverable under this Paragraph shall be determined as of the  
4 date a judgment for foreclosure is entered under Paragraph (11) of this Subsection  
5 and shall not exceed the fair market value of the interest in the property held by the  
6 person bringing the action under this Subsection on that date, less any taxes, interest,  
7 penalties, and fees owed on the property as of that date. The right to sue for  
8 monetary damages under this Paragraph shall not be transferable except by testate  
9 or intestate succession.

10 (16) The owner of a property interest with notice of the quiet title and  
11 foreclosure hearing under Paragraph (11) of this Subsection may not assert any of  
12 the following:

13 (a) That notice to the owner was insufficient or inadequate in any way  
14 because some other owner of a property interest in the property was not notified.

15 (b) That any right to redeem tax reverted property was extended in any way  
16 because some other person was not notified.

17 (17) A person holding or formerly holding an interest in tax reverted  
18 property subject to expedited foreclosure under this Subsection is barred from  
19 questioning the validity of the expedited foreclosure under this Subsection.

20 (18) The failure of the authority to comply with any provision of this  
21 Subsection shall not invalidate any proceeding under this Subsection if a person with  
22 a property interest in property subject to foreclosure was accorded the minimum due  
23 process required under the Constitution of Louisiana and the Constitution of the  
24 United States.

25 (19) It is the intent of the legislature that the provisions of this Subsection  
26 relating to the expedited quiet title and foreclosure of property by the authority  
27 satisfy the minimum requirements of due process required under the Constitution of  
28 Louisiana and the Constitution of the United States but that the provisions do not  
29 create new rights beyond those required under the Constitution of Louisiana or the

1        Constitution of the United States. The failure of the authority to follow a  
 2        requirement of this Section relating to the expedited quiet title and foreclosure of  
 3        property held by the authority shall not be construed to create a claim or cause of  
 4        action against the authority unless the minimum requirements of due process  
 5        accorded under the Constitution of Louisiana or the Constitution of the United States  
 6        are violated.

7                (20) As used in this Subsection, "authorized representative" includes one or  
 8        more of the following:

9                (a) A title insurance company or agent licensed to conduct business in this  
 10        state.

11                (b) An attorney licensed to practice law in this state.

12                (c) A person accredited in land title search procedures by a nationally  
 13        recognized organization in the field of land title searching.

14                (d) A person with demonstrated experience in the field of searching land title  
 15        records, as determined by the authority.

16                (21) As used in this Subsection, "district court" shall mean the Fourteenth  
 17        Judicial District Court.

18        Section 2. This Act shall become effective upon signature by the governor or, if not  
 19        signed by the governor, upon expiration of the time for bills to become law without signature  
 20        by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 21        vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 22        effective on the day following such approval.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Franklin

HB No. 904

**Abstract:** Creates the Lake Charles North Redevelopment Authority to provide for the utilization of appropriate private and public resources to eliminate and prevent the development or spread of slum, blighted, and distressed areas. Defines the duties, liabilities, authority, and functions of such redevelopment authority.



Proposed law creates and provides for the Lake Charles North Redevelopment Authority to provide for the utilization of appropriate private and public resources to eliminate and prevent the development or spread of slum, blighted, and distressed areas. Provides that the authority is a special district and political subdivision of the state. Provides that the authority shall be comprised of specified territory in the city of Lake Charles. Provides that the authority shall be activated and implemented by the city governing authority recognizing and confirming the appointment of the initial seven members of the board.

Proposed law provides that the Lake Charles North Redevelopment Authority shall be governed by a five-member board of commissioners, referred to as the "board" in proposed law, appointed as follows:

- (1) Two members appointed by the state representative for House District No. 34.
- (2) One member appointed by the state senator for Senate District No. 27.
- (3) One member appointed by the mayor of the city of Lake Charles.
- (4) One member appointed by the member(s) of the governing authority of Calcasieu Parish who represent the area included within the jurisdiction of the authority.

Proposed law requires that all appointments be confirmed by the governing authority of the city of Lake Charles. Requires the appointing authority to present its initial appointees to the appropriate governing authority no later than Dec. 31, 2009. Provides that the governing authority shall have the right to confirm or reject the appointment. Provides that such confirmation or rejection shall be made in the manner and under the procedure prescribed by the governing authority. Provides that if the governing authority does not reject the appointment within 60 days after the presentation, then the appointment shall be deemed confirmed.

Proposed law requires that each board member be a citizen of the U.S., a domiciliary of and a qualified voter in the city of Lake Charles for at least one year preceding the date of appointment and shall remain a domiciliary of and a qualified voter of such jurisdiction during the entirety of the term of office. Additionally requires that each board member be of good character and possess some skill, knowledge, or experience that will prove useful in the accomplishment of the goals of the authority.

Proposed law provides that each board member shall serve at the pleasure of the appropriate appointing authority for a term of four years, unless and until removed for cause by the board or removed for any reason by authorized action of the appointing authority. Provides that initial terms of the board members shall be provided in the bylaws of the authority.

Proposed law requires members of the board to serve without compensation, but authorizes the board to reimburse any member for expenses actually incurred in the performance of duties on behalf of the authority.

Proposed law provides that all actions of the board shall be approved by the affirmative vote of a majority of the members present and voting. Provides however, that no action of the board shall be authorized on the following matters unless approved by a majority of the total board membership:

- (1) Adoption of bylaws and other rules and regulations for conduct of the authority's business.
- (2) Hiring or firing of any employee or contractor of the authority. Provides that this function may by majority vote be delegated by the board to a specified officer or committee of the authority, under such terms and conditions, and to the extent, that the board may specify.

- (3) The incurring of debt.
- (4) Adoption or amendment of the annual budget.
- (5) Sale, lease, encumbrance, or alienation of real property, improvements, or personal property with an assessed value of more than \$20,000.

Proposed law provides that the authority, through the board, shall have all powers necessary or convenient to carry out its objectives and purposes, including but not limited to the following:

- (1) To sue and be sued and as such to stand in judgment.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To acquire, hold, and use any property. Provides that the authority shall not have any power to expropriate, except that power which is granted by the appropriate governing authority.
- (4) To convey to the U.S., the state, or to any political subdivision of the state any property or other thing of value for use by the governmental entity to accomplish the objectives and purposes of the authority, pursuant to the terms of any appropriate cooperative endeavor agreement.
- (5) To make and collect reasonable charges for the use of property of the authority and for services rendered by the authority and to regulate fees or rentals charged for use of privately owned facilities located on property owned or sold by the authority when such facilities are offered for use by the public or by a private industrial, commercial, research, or other economic development entity or activity.
- (6) To require and issue licenses.
- (7) To borrow money and to pledge or grant a security device affecting all or part of its revenues, leases, rents, and other advantages as security for such loans.
- (8) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.

Proposed law provides that the authority shall not be deemed to be an instrumentality of the state for purposes of the state civil service provisions of the state constitution.

Proposed law authorizes the authority to issue bonds permitted by law, incur debt, borrow money, and issue certificates of indebtedness, notes, and other debt obligations as evidence thereof for the acquisition and operation of authority property and provide for the manner and method of repayment in accordance with law.

Proposed law authorizes the authority to issue revenue bonds to finance the undertaking of a redevelopment project, or otherwise to acquire, purchase, lease, construct, or improve housing, residential development, subdivision development, commercial, research, industrial, or other plant sites and buildings, or other capital improvements. Authorizes the authority to enter into, amend, or terminate, as it determines to be necessary or appropriate, any ancillary contracts for certain purposes.

Proposed law provides that the authority shall not be required to pay any taxes. Provides that any bonds, certificates, or other evidences of indebtedness issued by the authority and the income therefrom shall be exempt from taxation by the state and by any parish, municipality, or other political subdivision of the state.

Proposed law authorizes the authority to purchase adjudicated properties within its jurisdiction from any political subdivision of the state. Provides that no such purchase shall be construed to, or otherwise have the effect of, extending or suspending the period prescribed by law for the redemption of the property by the tax debtor or any other person.

Proposed law provides that the authority shall have the power to create and execute redevelopment or development plans for specified areas within its jurisdiction. Provides that the implementation of all such plans shall not proceed until, to the extent required by law, the authority has obtained the approval of the local planning commission or zoning board. Provides that a redevelopment plan shall include a definition of the redevelopment area. Provides that the area, or any part thereof, may be further designated as a subdistrict of the authority.

Proposed law authorizes the authority to sell, lease, or otherwise transfer immovable property or any interest therein acquired by it in redevelopment areas for residential, recreational, commercial, industrial, or other uses or for public use, in accordance with the redevelopment plan, subject to such covenants, conditions, and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to provide for the elimination thereof or to otherwise carry out the purposes of proposed law.

Proposed law authorizes the authority to dispose of, sell, or lease immovable property in a redevelopment area to any private person for the fair market value of the property as determined by a certified and competent appraiser, or to any private person pursuant to reasonable competitive bidding procedures as it shall prescribe subject to the provisions of proposed law. Requires public notice of such bidding procedures.

Proposed law authorizes the authority to temporarily operate, maintain, or lease real property acquired by it in a redevelopment area for or in connection with a redevelopment project pending disposition of the property for such uses and purposes as may be deemed desirable even though not in connection with the redevelopment plan.

Proposed law provides that any real property within a redevelopment area may be disposed of without regard to the provisions of proposed law. Provides that real property acquired in accordance with a redevelopment plan may be disposed of to a public body for public reuse without regard to the provisions of proposed law.

Proposed law provides that where an area in the city is designated as a redevelopment area under the Federal Area Redevelopment Act (Public Law 87-27), or any act supplementary thereto, land in a redevelopment project area designated under the redevelopment plan for industrial or commercial uses may be disposed of to any public body or nonprofit corporation for subsequent disposition as promptly as practical by the public body or corporation for redevelopment in accordance with the redevelopment plan.

Proposed law authorizes the authority to, in the implementation of a redevelopment plan, create a subdistrict(s) to conduct, oversee, or assist in the implementation of such redevelopment plan. Provides that the boundaries of such a subdistrict may include all or part of the redevelopment area and provides that such a subdistrict shall have and exercise such powers and responsibilities as the authority shall specify in the enabling resolution. Provides that unless otherwise specified in the resolution or other formal act creating the subdistrict, the board members of the authority shall constitute the governing authority of the subdistrict.

Proposed law provides that the creation of a subdistrict shall in no instance result in the detachment, severance, or loss of any power or responsibility granted to the authority by and within the confines of any subdistrict the authority shall have full jurisdiction, concurrent with that of the subdistrict, to exercise said powers and responsibilities. Provides that the board members of the authority shall be the governing authority of the subdistrict.

Proposed law provides that all banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries may legally invest any sinking funds, monies, or other funds belonging to them or within their control in any bonds or other obligations issued by the authority.

Proposed law provides that bonds and other obligations shall be authorized security for all public deposits. Provides that it is the purpose of proposed law to authorize any public or private persons, political subdivisions, and officers, public or private, to use any funds owned or controlled by them for the purchase of any bonds or other obligations. Provides that nothing contained in proposed law with regard to legal investments shall be construed as relieving any persons of any duty of exercising reasonable care in selecting securities.

Proposed law provides that any instrument executed, in proper form and with proper certification of authority, by an authority purporting to convey any right, title, or interest in any property pursuant to proposed law shall be conclusively presumed to have been executed in compliance with provisions of proposed law insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.

Proposed law provides that insofar as the provisions of proposed law are inconsistent with the provisions of any other law, the provisions of proposed law shall be controlling. Provides however, that the authority shall be subject to the provisions of the Local Government Fair Competition Act, R.S. 45:844.41 et seq. Additionally provides that the authority conferred by proposed law shall be in addition and supplemental to the powers conferred by any other law.

Proposed law further provides for an expedited procedure to enable the authority to more efficiently quiet title and initiate a foreclosure action regarding immovable property acquired by the authority.

Proposed law requires the authority to file a notice with the clerk of court regarding the property it is attempting to seize. Requires that the notice include the legal description of the property, the street address of the property (if any), the name, address, and telephone number of the authority, a statement that the property is subject to expedited quiet title proceeding and foreclosure, and a statement that any legal interests in the property may be extinguished by a district court order vesting title to the property in the authority. Provides for additional procedures if there is a deficiency in the notice.

Proposed law requires the authority, if it has reason to believe that a property subject to an expedited quiet title proceeding and foreclosure may be the site of environmental contamination, to provide the Dept. of Environmental Quality with any information in the possession of the authority that suggests such is the case.

Proposed law requires the authority, after recording the notice, to initiate a records search in order to determine the owners who have any interest in the property subject to the expedited procedure. Authorizes the authority to enter into a contract with or request from one or more authorized representatives a title search or other title product to identify the owners of a property interest. Provides that the owner of a property interest is entitled to notice under proposed law if that owner's interest was identifiable by reference to any of the following sources before the date that the authority records the notice:

- (1) Land title records in the office of the recorder of mortgages and the register of conveyances.
- (2) Tax records in the office of the assessor.

Proposed law authorizes the authority to file a single petition with the district court which lists all of the property subject to expedited foreclosure. Requires the authority to request a hearing on the petition within 90 days seeking a judgment in favor of the authority against each property, without the right of redemption. Requires the clerk of the district court to immediately set the date, time, and place for the hearing not more than 10 days after the date requested by the authority in the petition.

Proposed law requires the authority to send notice of the hearing, not less than 30 days prior, by certified mail to any person identified as having an interest in the property subject to the expedited foreclosure proceeding. Requires the authority to also send notice via regular mail addressed to "Occupant" to each property subject to expedited foreclosure.

Proposed law further requires the authority, or its authorized representative, to post a written notice on each property at least 30 days prior to the expedited foreclosure hearing. Requires that each notice include specified information.

Proposed law requires the authority, if it is unable to provide the appropriate notice, to provide notice through publication for three consecutive weeks prior to the hearing on the matter in a newspaper published and circulated in the jurisdiction of the authority.

Proposed law requires the authority to file proof of the notice required by proposed law, proof of notice by posting on the property, if applicable, and proof of notice by publication, if applicable, with the clerk of the district court prior to the hearing. Requires any person who has an interest in the property subject to the expedited foreclosure to file written objections with the clerk and serve those objections on the authority prior to the hearing.

Proposed law requires the district court to enter judgment on the petition not more than 10 days following the conclusion of the hearing or contested case. Requires the judgment to specify certain information.

Proposed law provides that except as otherwise provided in proposed law, title to property set forth in a petition for foreclosure shall vest absolutely in the authority upon the effective date of the judgment by the district court. Provides that the authority shall have absolute title to the property and the title is not subject to any recorded or unrecorded lien, except as otherwise provided in proposed law and shall not be stayed or held invalid except as otherwise provided in proposed law. Provides that a judgment is a final order with respect to the property affected by the judgment and shall not be modified, stayed, or held invalid after the effective date of the judgment, except as otherwise provided in proposed law.

Proposed law provides that any person with an interest in the foreclosed property may appeal the district court's order or district court's judgment within 21 days following the effective date of the judgment. Provides that the appeal of the judgment shall be entitled to preference and priority and handled on an expedited basis by the court of appeal and, if applicable, the La. Supreme Court. Provides that in such cases, the record shall be prepared and filed within 15 days of the granting of the order of appeal. Requires the court of appeal to hear the case within 30 days after the filing of the appellee's brief. Further provides that an appeal is limited to the record of the proceedings in the district court. Provides that the district court's judgment foreclosing property shall be stayed until the court of appeals has reversed, modified, or affirmed that judgment.

Proposed law provides that if an appeal stays the district court's judgment foreclosing property, the district court's judgment is stayed only as to the property that is the subject of that appeal. Provides that the district court's judgment foreclosing other property that is not the subject of that appeal is not stayed. Requires a person appealing the judgment to pay to the authority any taxes, interest, penalties, and fees due on the property and to provide notice of the appeal to the authority within 21 days after the district court's judgment is effective. Provides that if the district court's judgment foreclosing the property is affirmed on appeal, the amount determined to be due shall be refunded to the person who appealed the judgment.

Provides that if the district court's judgment foreclosing the property is reversed or modified on appeal, the authority shall refund the amount determined to be due to the person who appealed the judgment, if any, and forward the balance to the appropriate taxing jurisdictions in accordance with the order of the court of appeals.

Proposed law provides that it is the intent of the legislature that the provisions of proposed law relating to the expedited quiet title and foreclosure of property by the authority satisfy the minimum requirements of due process required under the state constitution and the U.S. Constitution. Provides that the provisions do not create new rights beyond those required under the state constitution or the U.S. Constitution. Provides that the failure of the authority to follow a requirement of proposed law shall not be construed to create a claim or cause of action against the authority unless the minimum requirements of due process accorded under the state constitution or the U.S. Constitution are violated.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:4720.181)